



# Oregon Fish and Wildlife Commission Agenda

Meeting:  
January 7, 2011 - 8:00 am  
Oregon Department of Fish and Wildlife  
*Commission Room*  
3406 Cherry Avenue NE  
Salem, Oregon 97303

**Friday, January 7, 2011**

## **DIRECTOR'S REPORT**

### Field Reports

*Craig Ely, Chip Dale, Larry Cooper, Chris Wheaton, Roger Fuhrman, Laura Tesler,  
Captain Jeff Samuels*

### Spring and Summer Chinook and Sturgeon Update

*Steve Williams, Assistant Fish Division Administrator  
Tony Nigro, Ocean Salmon and Columbia River Program Manager*

### Expenditure Report

*Debbie Colbert, Deputy Director for Administration*

### Adopt Temporary Rules

*Curt Melcher, Deputy Director*

## **1. 635-004-0019**

### **Inseason Actions Implemented by the Federal Government for Commercial Groundfish Fisheries**

Adopted December 3, 2010; effective "Upon Filing" - December 7, through December 31, 2010.

Amended rule adopts in-season actions implemented by the federal government for Pacific ocean commercial groundfish fisheries, including changes to cumulative trip limits and RCA boundaries for limited entry non-whiting trawl fisheries and cumulative trip limits for commercial fixed gear fisheries.

## **2. 635-005-0045**

### **Inseason Closure to Commercial Dungeness Crab Fishing from Cape Blanco South to the Rogue River**

Adopted December 8, 2010; effective December 10, 2010 through February 16, 2011.

Amended rule implements an inseason closed area to commercial Dungeness crab from Cape Blanco to the mouth of the Rogue River from December 10, 2010 through January 15, 2011.

The closed area was of known low quality commercial crab. This closure will protect the portion of the fishing fleet that chooses to wait to fish the closed area by implementing a 30-day fair start provision.

## **3. 635-006-1095**

### **Medical Transfers of Bay Clam Dive Permits Allowed**

Adopted December 14, 2010; effective December 15, 2010 through June 12, 2011.

Amended rule allows the transfer of all commercial Bay Clam Dive Permits, both individual and

vessel, due to current medical conditions of the permit holder. Rules previously allowed transfers due to medical conditions for Individual Bay Clam Permits only. Transfers are allowed for up to 90 days upon petition by the permittee.

**4. 635-017-0095**

**Recreational Sturgeon Fisheries In the Willamette River Downstream of Willamette Falls Close**

Adopted December 17, 2010; effective January 1, 2011 through June 29, 2011.

Amended rule closes the recreational white sturgeon fishery in the Willamette River downstream of Willamette Falls, including Multnomah Channel and the Gilbert River. This action is needed to provide flexibility in season structure following Oregon Fish and Wildlife Commission white sturgeon policy guidance which should be available in February 2011.

**5. 635-023-0095**

**Columbia River Mainstem Recreational Sturgeon Fisheries Modified**

Adopted December 17, 2010; effective January 1, 2011 through June 29, 2011.

Amended rule modifies the recreational white sturgeon fishing season in the Columbia River downstream from Bonneville Dam; and from McNary Dam upstream to the Oregon/Washington Border effective January 1, 2011. These modifications close a known sturgeon concentration area (below Bonneville Dam) to angling in order to protect the resource and to provide concurrent regulations with Washington (above McNary Dam).

**6. 635-042-0135**

**Columbia River Commercial Sturgeon Seasons Set for January and February 2011 Below Bonneville Dam**

Adopted December 17, 2010; effective January 15, 2011 through July 13, 2011.

Amended rule implements winter commercial white sturgeon seasons in the Columbia River below Bonneville Dam using gill nets. The fishing periods are: 6:00 p.m. Tuesday, January 18 to 6:00 p.m. Wednesday, January 19, 2011 (24 hours); 6:00 p.m. Tuesday, January 25 to 6:00 p.m. Wednesday, January 26, 2011 (24 hours); 6:00 p.m. Tuesday, February 1 to 6:00 p.m. Wednesday, February 2, 2011 (24 hours); and 6:00 p.m. Tuesday, February 8 to 6:00 p.m. Wednesday, February 9, 2011 (24 hours).

**7. 635-049-0025**

**Import, Export, Transport other than to Licensed Facilities  
635-049-0265**

**Transport of Cervids among Licensed Facilities**

Adopted December 23, 2010; effective January 1, 2011 through June 27, 2011.

This rule amendment will allow fallow deer that leave Oregon temporarily for educational or display purpose to return to Oregon. Following the permanent rulemaking process, rather than taking this temporary rulemaking action, would result in serious prejudice to a small business owner in Oregon that has scheduled events outside of the state requiring the transport of fallow deer to these events. This temporary rulemaking action would avoid these consequences by allowing the transport of the deer when conditions specified by the department are met. The rule would also add a new requirement applicable to export/import of fallow deer and reindeer.

**8. 635-004-0019**

**Inseason Actions and Management Measures Implemented by the Federal Government for Commercial Groundfish Fisheries**

Adopted December 28, 2010; effective January 1, 2011 through January 31, 2011.

Amended rule adopts in-season actions and new management measures implemented by the federal government for Pacific ocean commercial groundfish fisheries, including but not limited to: (a) temporary closure of the limited entry trawl fishery; (b) replacement of previously used trip limit tables for limited entry trawl gear with incidental landing allowances for vessels registered to a Federal limited entry trawl permit and using groundfish trawl or groundfish non-trawl gears to harvest individual fishing quota (IFQ) species; (c) adjustment of the trawl RCA; and (d) adjustments to RCAs and cumulative trip limits for the limited entry and open access fixed-gear fisheries.

**9. 635-018-0090**

**Hood River Sport Coho and Steelhead Fisheries**

Adopted December 27, 2010; effective January 1, 2011 through June 29, 2011.

Amended rule allows the sport harvest of adipose fin-clipped Coho salmon and adipose fin-clipped steelhead in the Hood River beginning January 1, 2011. Further modifications adjust angling deadlines following the removal of Powerdale Dam last fall. Bag limits of 2 adult salmon or steelhead per day, 20 per year and 5 jack salmon per day, 2 daily limits in possession; with the exception that one additional adipose fin-clipped steelhead may be retained per day for a total aggregate of 3 adult fish harvested daily are already set by permanent rules for the Central Zone.

**10. 635-170-0015**

**Five Year Review**

Adopted December 29, 2010; effective December 29, 2010 through May 28, 2011.

The process of updating and review of the Bear Management Plan is currently underway. This extensive process, which will involve scientific and policy analysis, stakeholder involvement and public notice and comment, is expected to result in a final decision by the Commission in December 2011. From a policy perspective, the need to self impose a deadline to conduct this process is unnecessary. It is more prudent to review and update the plan when needed. By repealing the rule now via temporary rule (rather than waiting several months to repeal it through permanent rulemaking), the Department would avoid the lawsuit and make clear that it no longer favors arbitrary deadlines for update and review of bear plans. Meanwhile, the Department and Commission would move forward to update and review the current plan. This would devote scarce public resources to the plan update and review process, rather than to litigation.

**PUBLIC FORUM**

*Note: This part of the agenda is for comments on topics not scheduled elsewhere on the agenda. Please contact the Oregon Department of Fish and Wildlife Office of the Director at least 24 hours prior to the meeting to be included in the public forum. If you bring written summaries or other materials to the meeting please provide the Commission Assistant with 20 copies prior to your testimony. The Commission is unable to take action on items brought to their attention in this forum.*

**Exhibit A: COMMISSION MINUTES**

*Approve September 30 and December 3, 2010 Commission meeting minutes. The October 1, 2010 Commission minutes are deferred to February Commission meeting.*

**Exhibit B: OREGON FALCONRY RULES AUTHORIZING THE TAKE OF PEREGRINE FALCONS FOR 2011**

*The Commission will be asked to approve the amended rule to allow certain levels of take of peregrine falcons for falconry purposes.*

*Martin Nugent, Endangered, Threatened and Sensitive Species Coordinator*

*Public Testimony*

*Rulemaking*

**Exhibit C: MULE DEER INITIATIVE BRIEFING**

*The Commission will be briefed on management actions such as habitat, travel, disease and predator management being considered as part of the Mule Deer Initiative.*

*Don Whittaker, Ungulate Coordinator*

*Public Testimony*

*Informational*

**Exhibit D: WILDLIFE AREA PARKING PERMIT PROGRAM**

*The Commission will be asked to approve the rules regarding parking permits for some of our wildlife areas.*

*Nancy Breuner, Wildlife Area Operations Coordinator*

*Public Testimony*

*Rulemaking*

**Exhibit E: SCHEDULE OF DAMAGES FOR COMMERCIAL FISHING VIOLATIONS**

*The Commission will be asked to adopt the schedule of damages used in assessing commercial fishing violations during 2011.*

*Cameron Smith, Budget Manager*

*Public Testimony*

*Rulemaking*

**Exhibit F: FIVE YEAR ADMINISTRATIVE RULE REVIEW**

*The Commission will be asked to delegate authority to the Director to review administrative rules adopted by the Commission within the preceding five years, as required by ORS 183.405.*

*Curt Melcher, Deputy Director*

*Steve Sanders, Assistant Attorney General, Natural Resources Section*

*Approval*

**ADJOURN**

## **FUTURE PROPOSED COMMISSION MEETINGS & TOPICS**

### **February 4, 2011 – ODFW Headquarters, Salem**

- Fish Screening Task Force Member Appointment
- 2011 Fishery Regulations for Spring Chinook, White Sturgeon, and Smelt
- Wildlife Taxonomy and Wildlife Integrity Rules

### **March 11, 2011 – Florence (Congressional District 4)**

- Access and Habitat Projects
- Cougar Management Plan
- Restoration and Enhancement Projects
- 2011 Regulations for Sardine, Northern Anchovy, and Pacific Halibut Fisheries
- Upland Art Selection

### **April 22, 2011 - ODFW Headquarters, Salem**

### **May - No meeting scheduled**

### **June 3, 2011 - ODFW Headquarters, Salem**

- 2011 Big Game Regulations
- Raffle/Auction Tags – Access and Habitat/Big Game
- Rehabilitation Rules
- Access and Habitat Projects

### **July – No meeting scheduled**

### **August 5, 2011 – ODFW Headquarters, Salem**

- 2011-2012 Oregon Game Bird Regulations

### **September 1, 2011 (Thursday) – Seaside (Congressional District 1)**

- Access and Habitat Projects

### **October 7, 2011 – Pendleton (Congressional District 2)**

- 2012 Big Game Regulations

### **November – No meeting scheduled**

### **December 2, 2011 – Portland Area (Congressional Dist. 3)**

- Access and Habitat Projects
- Bear Management Plan

PLEASE NOTE

## **AGENDA**

The Commission meeting will begin at 8:00 AM, and proceed chronologically through the agenda. If you wish to receive written materials prepared for any of the agenda items, please contact the Director's Office in Salem at 503.947.6044 to request a packet for those items, which interest you or see the agency's website at <http://www.dfw.state.or.us/agency/commission/minutes/>.

A recess will be taken at 12:00 Noon, when the Commission will have lunch and may discuss matters of general interest.

## **PUBLIC TESTIMONY**

If you wish to give testimony on any item scheduled on this agenda, please sign up on the sheets provided the day of the meeting. You will be called to testify by the Commission Chair. The Commission places great value on information received from the public, and wants to avoid arbitrary limits on the time or attention allocated to each witness. Therefore, persons desiring to testify or otherwise present information to the Commission are encouraged to:

- (1) Provide written summaries of information to the Commission twenty (20 sets);
- (2) Limit testimony to five (5) minutes, recognizing that substance, not length, determines the value of testimony or written information;
- (3) Endorse rather than repeat testimony of other witnesses; and
- (4) Groups or organizations wishing to testify should designate one spokesperson whenever possible.

## **PUBLIC FORUM**

If you wish to give testimony on any item not scheduled elsewhere on the agenda, please contact the Director's Office, Oregon Department of Fish and Wildlife, 503.947.6044, at least 24 hours prior to the meeting. You will be called to testify by the Commission Chair immediately following the Commissioner Items portion of the agenda. Please provide 20 sets of written summaries or other materials to the Commission Assistant prior to your testimony. The Commission is unable to take action on items brought to their attention in this forum.

## **Thank you for taking the time to present your views.**

Materials delivered to the Director's Office sufficiently in advance of the meeting can be copied and distributed to the Commission. If you bring written materials to the hearing, please provide twenty (20) copies. If you have questions regarding this Agenda, please contact the Director's Office, Oregon Department of Fish and Wildlife, 3406 Cherry Avenue NE, Salem, OR 97303, 503.947.6044.

## **PARKING**

Parking is available to anyone who attends the Commission meeting.

## **REASONABLE ACCOMMODATION OF DISABILITIES**

Reasonable accommodation, such as assistive hearing devices, sign language interpreters, and materials in large print or audiotape, will be provided as needed. In order to ensure availability, please contact the Director's Office at 503.947.6044 at least 72 hours prior to the meeting to make your request. TTY users can reach ODFW by using the Oregon Telecommunications Relay Service. Please dial 711 and ask to be connected to 503.947.6044.